

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

RECEIVED

FEB - 9 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Communications Assistance for
Law Enforcement Act
Commercial Mobile Radio Service

CC Docket No. 97-213

To: The Commission

REPLY COMMENTS OF
MOBEX COMMUNICATIONS, INC.

Mobex Communications, Inc. ("Mobex"), pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC or Commission"), hereby respectfully submits its Reply Comments in response to the Commission's Notice of Proposed Rule Making ("NPRM") adopted on October 2, 1997 in the above-captioned matter.¹

¹ Notice of Proposed Rule Making, CC Docket No. 97-213, FCC 97-356, 12 FCC Rcd____ (rel. October 10, 1997).

No. of Copies rec'd
List ABCDE

024

I. BACKGROUND

1. Mobex is a provider of primarily dispatch service utilizing SMR and other authorizations granted by the Commission. Mobex serves customers who are located in more than one dozen states.

2. Along with its site-specific SMR licenses, Mobex holds both geographic area (e.g., auction) licenses and extended implementation licenses. Although most of its customers utilize only dispatch service, a small but important segment of this customer base desire the ability to interconnect to the Public Switched Telephone Network ("PSTN"). Therefore, Mobex is keenly interested in the outcome of this and other Commission proceedings that will determine the burdens to be imposed upon local, primarily-dispatch operators such as Mobex.

II. REPLY COMMENTS

3. The FCC imposes certain requirements upon "covered" SMR providers which it does not impose upon other SMR providers. One of these requirements, Enhanced 911 ("E-911") service, was recently revised by the Commission so that the definition of covered SMR providers excludes SMR carriers whose equipment is not technically capable of meeting those requirements.

Memorandum Opinion and Order ("MO&O"), CC Docket No. 94-102 (released December 23, 1997) at ¶ 76. Specifically, in its MO&O in the E-911 proceeding, the Commission recognized that "a distinction was warranted between SMR providers that will compete directly with cellular and PCS

providers, and SMR providers that offer mainly dispatch services in a localized non-cellular system configuration.” MO&O at ¶ 75.

4. Mobex applauds this decision because the Commission recognized that traditional analog SMR operators do not wish to serve the same regional or national customer base as enhanced digital wireless systems. Instead, traditional SMR operators aim to serve the local business dispatch market, and offer service which is normally much less costly than wide-area enhanced digital offerings. As a result of this fundamental difference in purpose, traditional SMR systems are not ready substitutes for cellular, PCS and other emerging CMRS applications such as the Mobile Satellite Service. Mobex therefore urges the Commission to apply the covered SMR definition developed in the E-911 proceeding to the CALEA and all other proceedings that impact traditional SMR users, e.g. roaming, number portability, RF radiation, etc. In this way, SMR operators like Mobex who are primarily dispatch service providers can interconnect their facilities to the PSTN without the onerous burden of attempting to meet technical requirements which their systems are not designed to satisfy.

5. In the instant CALEA proceeding, AMTA filed Comments in which it urged the Commission to recognize that most SMR licensees operate systems which are simply not capable of meeting the proposed CALEA requirements. AMTA at ¶ 6. Mobex understands that Motorola plans to take a similar position on this issue in its Reply Comments. As noted above, Mobex agrees that

traditional SMR systems were not designed to meet such sophisticated technical requirements as those proposed by the FCC in this proceeding. AMTA at ¶ 7. Like the E-911 requirements, some or all of the CALEA proposals may be achievable by wireless entities which employ intelligent switching and seamless handoff technology in order to serve their regional or nationwide customer base. Thus, the FCC should limit any proposals it adopts in this proceeding to those few SMR entities in existence today who meet the definition of covered SMR providers as adopted in the E-911 proceeding.

6. For all other SMR providers, the Commission should leave them free to work with law enforcement officials on an as-needed basis to develop a means by which cost effective surveillance can be achieved. For example, AMTA suggests that the most efficient way to conduct surveillance on a minimally interconnected system such as a traditional SMR system is through interception of the telephone number at the local exchange carrier ("LEC") switch. AMTA at ¶ 9. AMTA then notes that another method for interception could be cloning a target's handset. AMTA at ¶ 9. Mobex agrees that these techniques would be useful for law enforcement agencies and not unduly burdensome for the majority of SMR operators.

WHEREFORE, THE PREMISES CONSIDERED, Mobex Communications, Inc. respectfully requests the Federal Communications Commission to take action consistent with these Reply Comments and directly apply its E-911 definition of covered SMR providers to limit those SMR operators who are subject tot the CALEA requirements adopted in this proceeding.

MOBEX COMMUNICATIONS, INC.

By: 

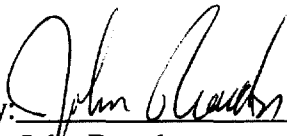
John Reardon
Mobex Communications, Inc.
1150 18th Street, N.W.
Suite 250
Washington, D.C. 20036
(202) 861-3400

Dated: February 9, 1998

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments was served this
9th day of February, 1998 by hand delivery to:

International Transcription Service
1231 20th Street, N.W.
Washington, DC 20036

By: 
John Reardon